



26 Section 1. Paragraph (n) of subsection (1) and paragraph  
 27 (c) of subsection (2) of section 220.03, Florida Statutes, are  
 28 amended to read:

29 220.03 Definitions.—

30 (1) SPECIFIC TERMS.—When used in this code, and when not  
 31 otherwise distinctly expressed or manifestly incompatible with  
 32 the intent thereof, the following terms shall have the following  
 33 meanings:

34 (n) "Internal Revenue Code" means the United States  
 35 Internal Revenue Code of 1986, as amended and in effect on  
 36 January 1, 2018 ~~2017~~, except as provided in subsection (3).

37 (2) DEFINITIONAL RULES.—When used in this code and neither  
 38 otherwise distinctly expressed nor manifestly incompatible with  
 39 the intent thereof:

40 (c) Any term used in this code has the same meaning as  
 41 when used in a comparable context in the Internal Revenue Code  
 42 and other statutes of the United States relating to federal  
 43 income taxes, as such code and statutes are in effect on January  
 44 1, 2018 ~~2017~~. However, if subsection (3) is implemented, the  
 45 meaning of a term shall be taken at the time the term is applied  
 46 under this code.

47 Section 2. Section 220.1105, Florida Statutes, is created  
 48 to read:

49 220.1105 Tax Imposed; Automatic downward adjustments to tax  
 50 rates.—

51 (1) As used in this section:

52 (a) "Net collections for a fiscal year" means the total  
 53 amount of taxes collected under this chapter by the department  
 54 in a state fiscal year, including related interest and  
 55 penalties, minus the total amount of refunds of taxes levied  
 56 under this chapter and issued by the department in that fiscal  
 57 year. No later than September 1 each year the Office of Economic  
 58 and Demographic Research shall determine net collections for the  
 59 most recent fiscal year.

60 (b) "Forecasted net collections for a fiscal year" means  
 61 the amount of net collections of corporate income tax for a  
 62 fiscal year forecasted by the Revenue Estimating Conference on  
 63 February 9, 2018.

64 (c) "Adjusted forecasted collections for a fiscal year"  
 65 means forecasted net collections for a fiscal year multiplied by  
 66 1.03.

67 (d) "Tax rate imposed" is the tax rate as defined in ss.  
 68 220.11(2) and 220.63(2) adjusted as prescribed in this section.

69 (2) The tax rate imposed shall be adjusted based on net  
 70 collections in each of the fiscal years 2018-2019 through 2020-  
 71 2021. If the net collections for a fiscal year exceed the  
 72 adjusted forecasted collections for the same fiscal year, the  
 73 tax rate imposed for taxable years beginning on or after January  
 74 1 of the year in which the fiscal year ends shall be the tax  
 75 rate imposed for taxable years beginning on or after January 1

76 | of the preceding year multiplied by a ratio, rounded to the  
 77 | nearest thousandth, the numerator of which is the adjusted  
 78 | forecasted collections for the fiscal year, the denominator of  
 79 | which is the net collections for the fiscal year.

80 | (3) By October 1, 2019, October 1, 2020 and October 1,  
 81 | 2021, the Department of Revenue shall calculate the tax rate  
 82 | imposed, if it is to be adjusted pursuant to subsection (2), and  
 83 | shall report the results of such calculation to the Governor,  
 84 | the President of the Senate, and the Speaker of the House of  
 85 | Representatives.

86 | (4) For fiscal years 2018-2019 through 2020-2021, any  
 87 | amount by which net collections for a fiscal year exceed  
 88 | adjusted forecasted collections for that fiscal year may not be  
 89 | appropriated and shall only be used to offset future revenue  
 90 | reductions resulting from nonrecurring tax relief measures.

91 | Section 3. Subsection (2) of section 220.11, Florida  
 92 | Statutes, is amended to read:

93 | 220.11 Tax imposed.—

94 | (2) (a) The tax imposed by this section shall be an amount  
 95 | equal to 5 1/2 percent of the taxpayer's net income for the  
 96 | taxable year, except as provided in paragraph (b).

97 | (b) The tax rate imposed in paragraph (a) shall be adjusted  
 98 | as provided in s. 220.1105.

99 | Section 4. Paragraph (e) of subsection (1) of section  
 100 | 220.13, Florida Statutes, is amended to read:

101 220.13 "Adjusted federal income" defined.—

102 (1) The term "adjusted federal income" means an amount  
 103 equal to the taxpayer's taxable income as defined in subsection  
 104 (2), or such taxable income of more than one taxpayer as  
 105 provided in s. 220.131, for the taxable year, adjusted as  
 106 follows:

107 (e) Adjustments related to federal acts.—Taxpayers shall  
 108 be required to make the adjustments prescribed in this paragraph  
 109 for Florida tax purposes with respect to certain tax benefits  
 110 received pursuant to the Economic Stimulus Act of 2008, the  
 111 American Recovery and Reinvestment Act of 2009, the Small  
 112 Business Jobs Act of 2010, the Tax Relief, Unemployment  
 113 Insurance Reauthorization, and Job Creation Act of 2010, the  
 114 American Taxpayer Relief Act of 2012, the Tax Increase  
 115 Prevention Act of 2014, the Consolidated Appropriations Act,  
 116 2016, and the Tax Cuts and Jobs Act of 2017.

117 1. There shall be added to such taxable income an amount  
 118 equal to 100 percent of any amount deducted for federal income  
 119 tax purposes as bonus depreciation for the taxable year pursuant  
 120 to ss. 167 and 168(k) of the Internal Revenue Code of 1986, as  
 121 amended by s. 103 of Pub. L. No. 110-185, s. 1201 of Pub. L. No.  
 122 111-5, s. 2022 of Pub. L. No. 111-240, s. 401 of Pub. L. No.  
 123 111-312, s. 331 of Pub. L. No. 112-240, s. 125 of Pub. L. No.  
 124 113-295, s. 143 of Division Q of Pub. L. No. 114-113, and s.  
 125 13201 Pub. L. No. 115-97, for property placed in service after

126 December 31, 2007, and before January 1, 2027 ~~2021~~. For the  
 127 taxable year and for each of the 6 subsequent taxable years,  
 128 there shall be subtracted from such taxable income an amount  
 129 equal to one-seventh of the amount by which taxable income was  
 130 increased pursuant to this subparagraph, notwithstanding any  
 131 sale or other disposition of the property that is the subject of  
 132 the adjustments and regardless of whether such property remains  
 133 in service in the hands of the taxpayer.

134 2. There shall be added to such taxable income an amount  
 135 equal to 100 percent of any amount in excess of \$128,000  
 136 deducted for federal income tax purposes for the taxable year  
 137 pursuant to s. 179 of the Internal Revenue Code of 1986, as  
 138 amended by s. 102 of Pub. L. No. 110-185, s. 1202 of Pub. L. No.  
 139 111-5, s. 2021 of Pub. L. No. 111-240, s. 402 of Pub. L. No.  
 140 111-312, s. 315 of Pub. L. No. 112-240, and s. 127 of Pub. L.  
 141 No. 113-295, for taxable years beginning after December 31,  
 142 2007, and before January 1, 2015. For the taxable year and for  
 143 each of the 6 subsequent taxable years, there shall be  
 144 subtracted from such taxable income one-seventh of the amount by  
 145 which taxable income was increased pursuant to this  
 146 subparagraph, notwithstanding any sale or other disposition of  
 147 the property that is the subject of the adjustments and  
 148 regardless of whether such property remains in service in the  
 149 hands of the taxpayer.

150 3. There shall be added to such taxable income an amount

151 equal to 100 percent of any amount in excess of \$500,000  
152 deducted for federal income tax purposes for the taxable year  
153 pursuant to s. 179 of the Internal Revenue Code of 1986, as  
154 amended by s. 13101 of Pub. L. No. 115-97, for taxable years  
155 beginning after December 31, 2017. For the taxable year and for  
156 each of the 6 subsequent taxable years, there shall be  
157 subtracted from such taxable income one-seventh of the amount by  
158 which taxable income was increased pursuant to this  
159 subparagraph, notwithstanding any sale or other disposition of  
160 the property that is the subject of the adjustments and  
161 regardless of whether such property remains in service in the  
162 hands of the taxpayer.

163 4. ~~3.~~ There shall be added to such taxable income an  
164 amount equal to the amount of deferred income not included in  
165 such taxable income pursuant to s. 108(i)(1) of the Internal  
166 Revenue Code of 1986, as amended by s. 1231 of Pub. L. No. 111-  
167 5. There shall be subtracted from such taxable income an amount  
168 equal to the amount of deferred income included in such taxable  
169 income pursuant to s. 108(i)(1) of the Internal Revenue Code of  
170 1986, as amended by s. 1231 of Pub. L. No. 111-5.

171 5. ~~4.~~ Subtractions available under this paragraph may be  
172 transferred to the surviving or acquiring entity following a  
173 merger or acquisition and used in the same manner and with the  
174 same limitations as specified by this paragraph.

175 6. ~~5.~~ The additions and subtractions specified in this

176 paragraph are intended to adjust taxable income for Florida tax  
 177 purposes, and, notwithstanding any other provision of this code,  
 178 such additions and subtractions shall be permitted to change a  
 179 taxpayer's net operating loss for Florida tax purposes.

180 Section 5. Subsection (2) of section 220.63, Florida  
 181 Statutes, is amended to read:

182 220.63 Franchise tax imposed on banks and savings  
 183 associations.—

184 (2) (a) The tax imposed by this section shall be an amount  
 185 equal to 5 1/2 percent of the franchise tax base of the bank or  
 186 savings association for the taxable year, except as provided in  
 187 paragraph (b).

188 (b) The tax rate imposed in paragraph (a) shall be adjusted  
 189 as provided in s. 220.1105.

190 Section 6. (1) The Department of Revenue is authorized,  
 191 and all conditions are deemed to be met, to adopt emergency  
 192 rules pursuant to s. 120.54(4), Florida Statutes, for the  
 193 purpose of implementing this act.

194 (2) Notwithstanding any other provision of law, emergency  
 195 rules adopted pursuant to subsection (1) are effective for 6  
 196 months after adoption and may be renewed during the pendency of  
 197 procedures to adopt permanent rules addressing the subject of  
 198 the emergency rules.

199 (3) This section shall take effect upon this act becoming  
 200 a law and shall expire January 1, 2021.

PCB WMC 18-04

2018

201           Section 7. This act shall take effect upon becoming a law  
202 and operate retroactively to January 1, 2018.